



# News Release

Arizona Ecological Services Field Office  
2321 W. Royal Palm Road, Suite 103  
Phoenix, Arizona 85021  
602/242-0210  
602/242-2513 (Fax)

---

Arizona Ecological Services Field Office <http://arizonaes.fws.gov>

For Release: October 12 2004

Contacts: Jeff Humphrey 602-242-0210 ext 222  
Elizabeth Slown or Victoria Fox 505-248-6911

## **SERVICE REPROPOSES CRITICAL HABITAT FOR ENDANGERED SOUTHWESTERN BIRD**

In compliance with a court order, the U.S. Fish and Wildlife Service has repropose 1,556 miles within the 100-year floodplain of waters in California, Arizona, Nevada, Utah, Colorado and New Mexico as critical habitat for an endangered migratory bird, the southwestern willow flycatcher, which was listed as endangered in 1995.

The Service designated 599 river miles of flycatcher critical habitat in New Mexico, Arizona and California in 1997. Since the initial designation, the existence of additional breeding locations in southwestern Colorado, and southern Nevada and Utah has been recognized. In 2001, the 10th Circuit Court of Appeals set aside designated critical habitat within New Mexico – the only state under the court’s jurisdiction where critical habitat was originally proposed. The court found the economic analysis of the designation to be inadequate. The Service then set aside critical habitat designated for the species in all three states until a reassessment of the economic effects of designation could be completed.

“We used all the expanding body of scientific information available on flycatcher conservation to lay out a proposal outlining those areas that appear to be essential to conservation of the species,” said Dale Hall, Director of the Service’s Southwest Region. “Now we need input from local residents, area industries and the conservation and scientific community to refine our strategy and the proposed designation. We’re asking if our rationale for designating critical areas needs to be refined. Are adequate protections already in place? Did we designate the right areas? What are the anticipated costs of designating various areas?”

The Service is nearly finished with an associated draft economic analysis and environmental assessment. When those documents are available, the Service will schedule eight public hearings in five states. Information supplied by either individuals or groups during the comment period will be essential in evaluating and finalizing critical habitat areas and determining where the benefits of designating an area might outweigh the benefits of not including it – an evaluation required under the Act in shaping critical habitat. All comments collected during the comment period will be considered and addressed in a final rule anticipated in a year.

The proposal identifies locations that support ten or more flycatcher territories and is designed to maintain those nesting birds’ access to other flycatcher populations in order to provide population stability, assure that birds can expand into other locales, and ensure genetic flow among populations. The proposal includes areas within broad floodplains, to accommodate the shifting and flooding nature of Southwest rivers.

The 5 ¾-inch flycatcher breeds and rears its chicks in late spring and through the summer in dense vegetation along streams, rivers, wetlands and reservoirs in the arid Southwest. The flycatcher migrates to Mexico, Central, and possibly northern South America for the non-breeding season.

Critical habitat identifies geographic areas that contain features essential for the conservation of a threatened or endangered species that may require special management considerations or protection.

This critical habitat proposal was completed in compliance with a Sept. 30, 2003, opinion issued by the District Court of New Mexico (Center for Biological Diversity v Norton, (iv. No. 02-1067 LH/RHS (D.N.M))). The court assigned a schedule whereby the Service must arrive at a final determination by Sept. 30, 2005.

In 30 years of implementing the Endangered Species Act, the Service has found that the designation of critical habitat provides little additional protection to most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits.

In almost all cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Habitat is also protected through cooperative measures under the Endangered Species Act including Habitat Conservation Plans, Safe Harbor Agreements, Candidate Conservation Agreements and state programs. In addition, voluntary partnership programs such as the Service's Private Stewardship Grants and Partners for Fish and Wildlife program also restore habitat. Habitat for endangered species is provided on many national wildlife refuges, managed by the U.S. Fish and Wildlife Service and state wildlife management areas.

All comments should be mailed, faxed or e-mailed to the Service by December 13, 2004. Send to Field Supervisor, Arizona Ecological Services Field Office, 2321 W. Royal Palm Rd., Ste 103, Phoenix, AZ 85021, or email to [WIFLcomments@fws.gov](mailto:WIFLcomments@fws.gov) or fax to 602-242-2513. Documents relevant to flycatcher critical habitat and recovery planning are available at <http://arizonaes.fws.gov> or by contacting the address above.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System which encompasses 542 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resource offices and 81 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to State fish and wildlife agencies.

<http://arizonaes.fws.gov>

NOTE TO EDITORS: Photographs of the southwestern willow flycatcher, critical habitat fact sheets and maps, and relevant documents are available at [http://arizonaes.fws.gov/image\\_library.htm](http://arizonaes.fws.gov/image_library.htm) and <http://arizonaes.fws.gov/southwes.htm>.